

Foyle College Bill. [H.L.]

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ARRANGEMENT OF CLAUSES.

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Clauses.

1. Short title.
2. New governing body to have sole management.
3. Constitution of governing body.
4. Lands in schedules vested in governing body.
5. Governing body to be trustees of Foyle College.
6. Lands, &c. to be conveyed to the governing body.
7. Appointment of treasurer.
8. Governing body may make byelaws.
9. Byelaws to be approved by the Lord Lieutenant.
10. Appointment of head-master.
11. Dismissal of head-master.
12. Subject to approval of Lord Lieutenant.
13. Repeal of Acts in schedule.

SCHEDULES.

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## B I L L

## INTITLED

An Act for the better management and regulation of Foyle College in the city of Londonderry, and for vesting in the governing body of such College the present schoolhouse and premises belonging to such College, and for vesting the right of appointment of head-master of such College in the Bishop of Derry and Raphoe and the Governor of the Honourable the Irish Society.

A.D. 1874

WHEREAS prior to the year one thousand, eight hundred and nine there was and had been for a series of years a school called a free school in the city and county of Londonderry, erected upon a piece of ground within the said city:

And whereas by an Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, intituled "An Act for vesting a workhouse and premises situate in the city of Londonderry in trustees to be sold, and for applying the purchase money in building another schoolhouse, and for better regulating the same," the messuage or tenement, schoolhouse and premises, with the appurtenances wherein the said school was then carried on, was vested in the Lord Bishop of Derry and the Dean and Chapter of Derry for the time being and their respective successors, upon trust to sell the same in manner in the said Act mentioned; and in the same Act provision was made for the expenditure of the money to arise from such sale in or towards the purchase or erection of a capital messuage or schoolhouse, and in or towards the purchase of sufficient land and ground suitable thereto, to be situate within the city and liberties of Londonderry, and for or towards the purchase, building, erecting, and making of all offices, oasthouses, and buildings, fixtures, and furniture connected therewith, and it was thereby enacted that all and singular the said capital messuage or schoolhouse, offices and buildings, lands, and other hereditaments, fixtures and furniture, which should be so purchased as aforesaid, should thereupon be

49 Geo. 3.  
• 59.

[Bill 208.]

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A.D. 1874. immediately settled, conveyed, and assured unto and to the use of the said Lord Bishop of Derry and the Dean and Chapter of Derry for the time being and their respective successors for ever, to, for, and upon such uses, trusts, intents, and purposes as should be from time to time expressed and declared and contained of and concerning the same in and by the orders, rules, and byelaws then intended to be made for the management and regulation of the said school; and it was by the said Act further enacted, that the Lord Primate of Ireland should be visitor of the said school, and the Lord Bishop of Derry and the Dean and Chapter of Derry for 10 the time being, and their respective successors, should for ever thereafter be the trustees of the said school and its estate and effects; and it was thereby further enacted, that for the purpose of erecting a messuage or schoolhouse with suitable offices and conveniences thereto, and of providing a piece of ground to be held 15 and enjoyed with the same, it might be lawful to and for the Lord Bishop of Derry for the time being and his successors to grant and convey the inheritance in fee farm of all or any part of the piece of ground more particularly mentioned in the second schedule to that Act annexed being the Schedule B. thereto annexed (being 20 part of the lands belonging to the see of Derry), and described in the first schedule annexed to this present Act, unto any person or persons whomsoever; and it was by the said Act further enacted, that it should and might be lawful for the Lord Bishop of Derry and the Dean and Chapter of Derry for the 25 time being, and their respective successors, from time to time, subject to the approval of the Lord Lieutenant or Governor and Governors and Privy Council of Ireland for the time being, to make, ordain, and establish, and to amend, alter, or repeal such rules, orders, regulations, and byelaws for the regulating, governing, and 30 managing the said school, and all erections, buildings, works, matters, and things thereto belonging, and also for the regulating of the masters, assistants, and teachers, and all other persons to be employed or in anywise concerned in such school, and for the granting of and regulating salaries and other allowances as to them 35 should seem just and reasonable:

And whereas after the passing of the said Act a schoolhouse and buildings were erected upon the piece of land belonging to the see of Derry, and mentioned in Schedule B. annexed to the said Act, but no lease of such land was granted by the Lord Bishop of Derry 40 to any persons prior to the lease herein-after mentioned:

And whereas by an Act passed in the sixth year of the reign of Her Majesty, intituled "An Act for confirming certain conveyances in perpetuity made by the Ecclesiastical Commissioner for

A.D. 1874.

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" Ireland and the present and Bishop of Derry Raphoe of parts of  
 " the mensal lands of the see of Derry, and for confirming certain  
 " leases made by the same bishop and his immediate predecessor in  
 " the see of Derry of other parts of the mensal lands of the same  
 5 " see ; also for enabling the Bishop of Derry and Raphoe for the  
 " time being to grant leases of the parts last mentioned, and certain  
 " other parts of the mensal lands of the see of Derry ; and for other  
 " purposes," it was enacted that it should be lawful for Richard  
 then Lord Bishop of Derry and Raphoe, and his successors, to make  
 10 demises or leases of the messuages, land, and hereditaments particu-  
 larly described in the fourth schedule to that Act annexed with the  
 appurtenances thereto :

And whereas by an indenture dated the first day of June one  
 thousand eight hundred and sixty-nine, and made between the  
 15 Right Reverend William Lord Bishop of Derry and Raphoe of the  
 one part, and the Very Reverend the Dean and Chapter of Derry of  
 the other part, the said Bishop of Derry and Raphoe, under the  
 powers of the said first-mentioned Act, granted the messuage and  
 premises described in the first schedule annexed to this Act, being  
 20 the then site of the said school, and being also the piece of land  
 described in the Schedule B to the said first-mentioned Act, upon  
 trust for the use of the said school now known as and therein  
 called and in this Act hereafter called Foyle College, at the yearly  
 rent of sixteen pounds eight shillings and fourpence, and one  
 25 shilling in the pound receiver's fees :

And whereas by an indenture bearing date the tenth day of June  
 one thousand eight hundred and sixty-nine, and made or expressed  
 to be made between the said Lord Bishop of Derry and Raphoe  
 of the one part, and the Reverend William Percy Robinson, clerk,  
 30 the then head-master of Foyle College, of the other part, the said  
 Bishop of Derry and Raphoe, under the provisions of the Act  
 secondly herein-before mentioned, demised to the said William Percy  
 Robinson, his executors, administrators, and assigns, the piece of  
 land and premises described in the second schedule to this Act  
 35 annexed, being part of the land described in the fourth schedule  
 to such secondly herein-before mentioned Act, for the term of forty  
 years from the first day of May one thousand eight hundred and  
 sixty-nine, at the yearly rent of thirteen pounds sixteen shillings  
 and sixpence, with one shilling in the pound receiver's fees :

40 And whereas by an indenture bearing date the fourteenth day of  
 May one thousand eight hundred and seventy, and made between  
 the said William Lord Bishop of Derry and Raphoe of the first  
 part, the Commissioners of Church Temporalities in Ireland of the  
 second part, and the said William Percy Robinson of the third

A.D. 1874. — part, the said piece of land described in the second schedule annexed to this Act and the appurtenances were conveyed unto and to the use of the said William Percy Robinson, his heirs and assigns, for ever, subject to the yearly rent of fourteen pounds thirteen shillings and sevenpence : 5

And whereas by an indenture bearing date the fourth day of November one thousand eight hundred and seventy, and made between the said William Percy Robinson of the one part, and the Society of the Governors and Assistants, London, of the New Plantation in Ulster within the realm of Ireland, commonly and 10  
in this Act hereafter called the Honourable the Irish Society, of the other part, the said William Percy Robinson did covenant and declare with and to the Honourable the Irish Society that he, his heirs and assigns, would stand possessed of the said piece of land described in the second schedule annexed to this Act, subject to 15  
the said rent of fourteen pounds thirteen shillings and sevenpence, upon trust for the school called Foyle College, and to the intent that the same might be for ever thereafter held, used, occupied, and enjoyed with and as part of and for the purposes of the same school or college : 20

And whereas no orders, rules, or bylaws have ever been made for the regulation of the said school or college in pursuance of the said firstly herein-before recited Act of Parliament, nor have any trusts been ever declared therefor for any public, charitable, or other purpose, and the said school or college has been continuously 25  
carried on upon the pieces of land herein-before referred to and under the provisions of the same Act, but such school or college has not since that time been and is not of the nature of a free school or charity school, nor has any free education been given therein except by favour of the managers thereof for the time being 30  
and not as of right :

<sup>18 & 19 Vict.</sup>  
<sup>c. 42.</sup> And whereas by the Irish Church Act, 1869, every ecclesiastical corporation in Ireland, whether sole or aggregate, and every cathedral corporation in Ireland were dissolved on the first day of January one thousand eight hundred and seventy-one, and doubts 35  
are entertained whether or not the persons who now hold offices similar to those held before the passing of the said Act by the Bishop of Derry and the Dean and Chapter of Derry have any power or authority in the management of Foyle College, or who has such power and authority : 40

And whereas in order to the good management of the said college it is expedient that a new body should be formed to undertake the

management and control thereof, and it is expedient to vest all the property and effects of the said college in such new body : — A.D. 1874.

And whereas prior to the year one thousand eight hundred and eight the right of nominating and appointing a master to the said free school had been exercised by His then Majesty and his predecessors :

And whereas under or by virtue of an Act passed in the forty-eighth year of the reign of His late Majesty King George the Third, intitulized "An Act to enable His Majesty to vest the right of <sup>as Geo. 3.</sup>  
<sup>a. 17.</sup>

10 " appointment of master of the free school of Londonderry in the  
" city and county of Londonderry in the Bishop of Derry for the  
" time being," the Lord Bishop of Derry for the time being and  
his successors became entitled to the said right of nominating and  
appointing a master of the said school freed and discharged from  
15 all claim, right, and title of His Majesty, his heirs and successors,  
and the same right has since from time to time been exercised by  
such bishop for the time being :

And whereas doubts are entertained in whom the right so granted to the Bishop of Derry for the time being has become vested in  
20 consequence of the provisions of the said Irish Church Act, 1869, <sup>as 2 & 3 Vict.</sup>  
<sup>c. 45.</sup> and it is expedient that such right shall be absolutely vested in the persons herein-after mentioned in that behalf :

And whereas the several purposes aforesaid cannot be effected without the authority of Parliament :

25 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Foyle College Short dis-  
30 Act, 1874."

2. From and after the passing of this Act all the powers of management of Foyle College (if any) vested in any person or persons under or by virtue of the first-mentioned Act, or otherwise howsoever, shall cease and determine, and the sole management and control of the said college shall be vested in and exercised by the governing body herein-after described alone. <sup>New governing body to have sole management.</sup>

3. The governing body in whom the sole management and control of Foyle College shall be so vested as aforesaid (in this Act called the governing body) shall consist of the following persons ;  
40 namely, the Bishop of Derry and Raphne for the time being, or the person who shall for the time being discharge duties similar or analogous to those now discharged by the said bishop, herein-after

A.D. 1874. — designated the said bishop; the Governor of the Honourable the Irish Society for the time being, herein-after designated the said governor; the Deputy-Governor of the Honourable the Irish Society for the time being; the Moderator of the General Assembly of the Presbyterian Church of Ireland for the time being; and the 5 Worshipful the Mayor of the said city of Londonderry for the time being; such governing bodies shall be a body corporate with the title of the governing body of Foyle College, and with a perpetual succession and a common seal (with power to hold lands for the purposes of the school without license of mortmain). 10

Lands in  
schedules  
vested in  
governing  
body.

4. The messuage or schoolhouse and premises described in the first schedule annexed to this Act, and the piece or parcel of land described in the second schedule annexed to this Act, and all other land (if any) now belonging to the said college, shall, from and immediately after the passing of this Act, vest in the governing 15 body in trust and for the benefit of Foyle College, subject, nevertheless, to the rents herein-before mentioned to be payable in respect thereof respectively.

Governing  
body as be  
trustees of  
Foyle  
College.

5. The governing body shall for ever hereafter be the trustees of Foyle College and of its estate and effects, and all lands, tenements, 20 hereditaments, sum or sums of money, and other effects that shall come to the hands of the said trustees or any of them to be applied in any manner for the use of the said college, and which they or any of them may lawfully take by any means whatever, shall be by them applied and disposed of in the manner and for the uses and 25 purposes appointed and directed for the application thereof, be the same by deed, will, donation, gift, agreement, or otherwise, and to no other use and purpose whatsoever.

Lands, &c.  
to be con-  
veyed to the  
governing  
body.

6. All lands, tenements, hereditaments, sum and sums of money, and other effects that shall come to the hands of any person or 30 persons in trust for Foyle College, to be applied in any manner for the use thereof, and which he, she, or they may lawfully take by any means whatsoever, shall be by him, her, or them conveyed, assigned, and paid to the governing body, and shall be by them applied and disposed of in the manner and for the uses appointed 35 and directed for the application thereof, be the same by deed, will, donation, gift, agreement, or otherwise, and to no other use and purpose whatsoever.

Appointment  
of treasurer.

7. The general agent in Ireland for the time being of the Honourable the Irish Society shall be the treasurer of Foyle College. 40

A.D. 1874.

Governing  
body may  
make by-  
laws.

**8.** The governing body may from time to time make, ordain, and establish such rules, orders, regulations, and byelaws, and from time to time amend, alter, or repeal the same or any of them, for the regulating, governing, and managing of Foyle College, and all 5 erections, buildings, works, matters, and things thereto belonging, and also for the regulating of the head-master and other masters, assistants, and teachers, and all persons to be employed or in anywise concerned in such college, and for the granting of and regulating all salaries and other allowances, as to the governing 10 body shall seem just and reasonable: Provided always, that no such order, rule, regulation, or byelaw be repugnant to or inconsistent with the laws of that part of the United Kingdom of Great Britain and Ireland called Ireland, or contrary to the directions and provisions in this Act contained.

**15. 9.** No such order, rule, regulation, or byelaw shall be good, valid, or effectual, nor shall any such order, rule, regulation, or byelaw be amended, altered, or repealed, unless and until such order, rule, regulation, or byelaw, or any amendment, alteration, or repeal of any such order, rule, regulation, or byelaw, shall have been submitted 20 to and allowed and approved of by the Lord Lieutenant of Ireland for the time being, who is hereby empowered and required, on request from time to time made by or on behalf of the governing body, to peruse and examine such orders, rules, regulations, and byelaws as shall from time to time be made, altered, amended, or 25 repealed by the governing body in pursuance of this Act, and laid before him the said Lord Lieutenant of Ireland for the time being, and to allow and approve of or to disallow and disapprove of the same or any part thereof, or to allow and approve of or to disallow and disapprove of the repeal of the whole or any part thereof, as to 30 him shall from time to time seem proper and expedient, and for doing thereof no fee or reward shall be paid or taken.

**10.** On and from the passing of this Act the right of nominating and appointing the head-master of Foyle College at all times hereafter shall vest absolutely in the said bishop and the said governor.

Appointment  
of head-  
master.

**35. 11.** The said bishop and the said governor shall have power from time to time at their discretion, and if in their opinion it shall be right, expedient, or necessary, to dismiss the head-master of Foyle College for the time being, such dismissal to be testified by a writing under their hands.

**40. 12.** Provided always, that every appointment or dismissal of a head-master of the said college by the said bishop and governor [208.]

A.D. 1874. shall be subject to the approbation of the Lord Lieutenant of Ireland for the time being testified by writing under his hand, and all such appointments or dismissals as shall not receive such approbation as aforesaid shall be null and void to all intents and purposes whatsoever, and in such and the like manner in all respects as if the same had not been made, anything herein contained to the contrary thereof in anywise notwithstanding.

Repeal of  
Acts in  
schedule.

**13.** From and after the passing of this Act the Acts contained in the third schedule to this Act annexed are repealed: Provided that such repeal shall not affect the validity or invalidity of any appointment already made, or any instrument or thing already executed, made, done, or suffered, or any right or title already acquired or accrued, or any remedy in respect thereof, or any release or discharge of any debt, claim, or demand, or the proof of any past act or thing.

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 SCHEDULES referred to in the foregoing Act.
 

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## FIRST SCHEDULE.

The site of Foyle College is in the city of Londonderry, containing by admeasurement 3A. 3R. 19P. Irish plantation measure, situated upon the Strand Road, leading from Derry to Muff, which was formerly described as a piece or parcel of ground containing about four acres (more or less) situate within the north Liberties of the city of Londonderry, about one mile and a half from the said city, and lying between the road leading to Buncrana and the road leading to Muff.

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## SECOND SCHEDULE.

A piece of land in the city of Londonderry, containing 2A. 1R. 23P. Irish plantation measure, bounded on the front or west by the Old or Black Bush Road, leading from Derry to Buncrana, on the east by the land described in the first schedule annexed to this Act, on the north by premises called Richmond, 15 and on the south by the grounds of the Londonderry Lunatic Asylum, and situate in that part of the city of Londonderry formerly known as a portion of the north Liberties thereof.

## THIRD SCHEDULE.

Date of Act.	Title of Act.
20 48 George III. c. 77. -	An Act to enable His Majesty to vest the rights of appointment of master of the Free School of Londonderry, in the city and county of Londonderry, in the Bishop of Derry for time being.
25 49 George III. c. 69. -	An Act for vesting a workhouse and penceless situate in the city of Londonderry, in trustees to be said, and for applying the purchase money in building another school-house, and for better regulating the same.

# Foyle College. [n.s.]

A.

## B I L L

INTITLED

An Act for the better management and regulation of Foyle College in the city of Londonderry, and for vesting in the governing body of such College the present schoolhouses and premises belonging to such College, and for vesting the rights of appointment of head-master of such College in the Bishop of Derry and Raphoe and the Governor of the Honourable the Irish Society.

(Brought from the Library 16 July 1876.)

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Ordered by The House of Commons to be Printed,  
15 July 1874.

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[Bill 205.]  
*Under 2 o.*